

SENATE BILL REPORT

SHB 1683

As Reported by Senate Committee On:
Local Government, March 21, 2017

Title: An act relating to sewer service within urban growth areas.

Brief Description: Addressing sewer service within urban growth areas.

Sponsors: House Committee on Environment (originally sponsored by Representatives Appleton and Griffey).

Brief History: Passed House: 3/03/17, 97-0.

Committee Activity: Local Government: 3/16/17, 3/21/17 [DP].

Brief Summary of Bill

- Specifies that counties, cities, and utilities are not obligated to install sanitary sewer systems to certain properties within urban growth areas by the end of the 20-year planning period.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Staff: Alex Fairfortune (786-7416)

Background: Growth Management Act (GMA). The GMA is the comprehensive land-use planning framework for counties and cities in Washington. Jurisdictions that fully plan under the GMA must adopt comprehensive plans to express their general land-use policies. Each comprehensive plan must designate urban growth areas (UGAs), where urban growth is encouraged. UGAs must include land areas and densities sufficient to accommodate the future population growth that is projected to occur over the next 20 years. Outside of UGAs, growth may only occur if it is non-urban in nature, with some exceptions.

Comprehensive plans must also address specified planning elements, each of which is a subset of the comprehensive plan. Among the required elements are the capital facilities plan

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element which includes an inventory and forecast of capital facilities, and the utilities element which includes the locations and capacities of existing and proposed utilities.

Sewer Systems. The GMA provides that urban growth typically must be served by urban services, including sanitary sewer systems. The Growth Management Hearings Board has additionally held that cities and counties must show how they will be able to serve their UGAs with urban services over the life of their 20-year land use plan.

The use of on-site sewage systems (OSS) within UGAs may be appropriate in limited circumstances where there is no negative effect on basic public health, safety, and the environment, and the use of OSS does not preclude development of urban densities. Examples include when OSS is used as a transitional strategy, serves isolated pockets of urban land difficult or cost-prohibitive to serve, or is the best available technology for the circumstances.

Summary of Bill: Counties, cities, and utilities that have adopted a capital facility plan or utilities element to provide sewer service within a UGA during a 20-year planning period are not obligated to install sanitary sewer systems to the following properties within the UGA by the end of the planning period:

- properties with no redevelopment capacity that have an existing, functioning, non-polluting OSS that receives periodic inspection by a public agency to verify proper functioning; or
- properties that do not require sewer service because development densities are limited due to wetlands, floodplains, fish and wildlife habitats, or geological hazards.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Some lots within UGAs have all the urban issues that more dense developments have, but they do not require the traditional wastewater services because they are already served by septic systems. However, the Growth Management Hearings Board found that pipe-to-bay infrastructure must be extended to these properties even if it will not be used. This requires jurisdictions to put money into infrastructure that is not necessary which is a poor use of limited infrastructure dollars. Growth should pay for growth, but this moves the cost to local jurisdictions.

Persons Testifying: PRO: Eric Baker, Kitsap County.

Persons Signed In To Testify But Not Testifying: No one.